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APR 14 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Darrel Drinan, *et al.*

Appl. No. 10/068,170

Filed: February 4, 2002

For: **AGENT DELIVERY AND ASPIRATION DEVICE**

Art Unit: 3743

Examiner: Flynn, Amanda R.

Confirmation No. 8076

Atty. Docket: 05693.0004.NPUS00

Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences - Small Entity

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TECHNOLOGY CENTER R3700

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P. O. Box 1450
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Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated **January 13, 2004** that resulted in Applicant having claims that have been twice or finally rejected.

The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our enclosed check. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 05693.0004.NPUS00. A duplicate copy of this Notice is attached.

Respectfully submitted,

Date: April 13, 2004

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